

REMARKS

Claims 1-25 are pending in the present application with claims 19-25 having been amended herein.

The Office Action objected to the disclosure because on page 16, line 19 "specifies" should be replaced with --specify--. Applicants have amended herein the disclosure by making the suggested change. Accordingly, Applicants respectfully request that this objection be withdrawn.

The Office Action also objected to claim 18 because on line 18 --and-- should be inserted between "stage" and "a". Applicants have amended herein claim 18 by adding the term --and--. Accordingly, Applicants respectfully request that this objection be withdrawn.

Claim 5 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, claim 5 was rejected because it depends from a claim that provides alternatives for the first stage information, wherein claim 5 fails to explicitly require that first stage information includes inventory information. The Examiner recommended amending line 3 of claim 5 by inserting --the first stage information includes the inventory information and-- after "wherein".

Applicants have amended herein claim 5 as recommended by the Examiner. Applicants thank the Examiner for his recommendation. Accordingly, Applicants respectfully request that this rejection be withdrawn.

Claims 1-18 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 5,478,990 ("Montanari et al."). Applicants respectfully traverse the rejection of independent claims 1 and 8. Independent claims 9 and 18 have been amended herein. Accordingly,

Applicants respectfully submit that independent claim 1, 8, 9 and 18 are not anticipated by Montanari et al. for at least the reasons set forth below

Montanari et al. relates to a method for tracking the production history of food products. A tracking number ("TN") identifying a particular food product is generated at a certain point in the production process. In Montanari et al., a meat producing animal is preferably identified with a TN at birth. The TN is maintained as the animal is transferred to different stages of the processing of that animal. [Col. 3, lines 36-53]. The identity of the food item subjected to each segment of the production process is maintained and information gathered throughout the process is tracked. [Col. 8, lines 35-39].

As to independent claims 1 and 8, Montanari et al. does not teach at least the following:

- o "the first stage information and the second stage information input at the second stage", as recited in claim 1; and
- o "the first stage agricultural information and the second stage agricultural information input at the second stage", as recited in claim 8.

Rather, Montanari et al. teaches that information associated with a particular stage is input at that stage. Claims 1 and 8 recite that first stage information is input at the second stage. The second stage is a stage that is subsequent to the first stage.

Indeed, Montanari et al. teaches away from inputting first stage information at a second stage:

The ability of the present system to trace back the origin of an animal is necessarily limited to the point of origin of the TN. While preferably assigned to an animal at birth, a TN may be assigned at any time in the meat production process. For example, if cattle are purchased by a feedlot owner, the animals can be marked with an A-TN and the feedlot then becomes the point of origin for identification and recording purposes. In the event an A-TN is lost prior to the feedlot, a new A-TN can be generated and

the information concerning a particular animal can be determined
from that point forward.

Col. 10, lines 28-38 (Emphasis added). Hence, Montanari et al. teaches that a feedlot does not input any information for identification and recording purposes that is associated with a previous stage in the production process.

Accordingly, Applicants respectfully request that this rejection of independent claims 1 and 8 be withdrawn.

Claims 2-7 depend from and further limit claim 1, and for at least the reasons stated above in connection with claim 1, are believed to not be anticipated by Montanari et al.

As to amended independent claims 9 and 18, Applicants respectfully submit that Montanari et al. does not teach at least the following:

- “inventory is controlled at a stage subsequent to one of the stage along the first path and the stage along the second path according to one of the recorded available inventory information associated with the first item and the recorded available inventory information associated with the second item, respectively”, as recited in amended claim 9; and
- “inventory is controlled at a stage subsequent to one of the first stage, the second stage and the third stage according to one of the recorded available inventory information associated with the first item, the recorded available inventory information associated with the second item, and the recorded available inventory information associated with the third item, respectively”, as recited in amended claim 18.

Rather, Montanari et al. teaches “a method of food product identification, and particularly animal identification, whereby it becomes possible to track a retail food product back to its

original source.” Col. 7, lines 39-42. Montanari et al. is devoid of any teaching, or even suggestion, of a stage controlling inventory according to available inventory recorded at a preceding stage in a supply chain.

Claims 10-17 depend from and further limit claim 9 and for at least the reasons stated above in connection with claim 9 are believed to not be anticipated by Montanari et al.

Accordingly, Applicants respectfully request the rejection of claims 9-18 be withdrawn.

Additionally, Applicants have added new claims 19-25 to further define the scope of the present application and believe these claims are also allowable for at least the reasons enumerated herein. In particular, claim 19 depends from and further limits claim 12, claims 20 and 21 depend from and further limit claim 14, claim 22 depends from and further limits claim 15 and claim 23 depends from and further limits claim 16, and for at least the reasons stated above in connection with claims 12, 14, 15 and 16 are believed to be patentable over the cited reference. As for new independent claims 24 and 25, Montanari et al. does not teach or suggest at least the following:

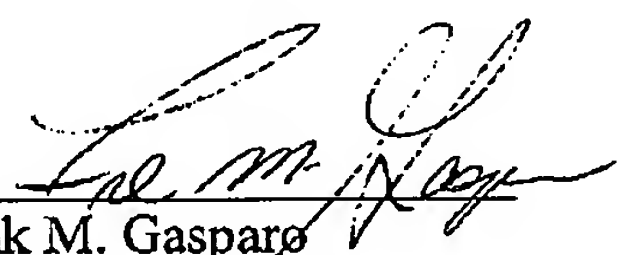
- “inventory is controlled at a stage subsequent to the stage along the first path according to the recorded available inventory information”, as recited in new independent claim 24; and
- “inventory is controlled at a stage subsequent to the multi-output stage according to the recorded available inventory information”, as recited in new independent claim 25.

This communication is believed to be fully responsive to the Office Action and every effort has been made to place the application in condition for allowance. The claims, in view of the foregoing explanation, are believed to be patentable over the prior art, and a favorable Office Action is hereby earnestly solicited.

If a telephone interview would be of assistance in advancing prosecution of the subject application, Examiner is requested to telephone the number provided below.

Respectfully submitted,

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